

REMARKS

Claims 1-11 and 13 are currently pending in this application. Claims 1 and 11 have been amended, and claim 12 has been cancelled. No new matter has been added. Reconsideration of the outstanding rejections is respectfully requested in view of the foregoing amendments and following remarks.

Drawing Objections

The drawings have been objected to as not showing the “horizontal plane” mentioned in claim 1. This limitation is shown in Figure 8. Thus, Applicants respectfully request that this objection be withdrawn.

Rejections Under 35 U.S.C. § 112

Claims 1-13 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Further, claims 1-13 have been rejected under 35 U.S.C. § 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention.

As to claim 1, Applicants direct the Office’s attention to Figure 8 of the current application. Figure 8 clearly shows a horizontal line, representing a plane, passing through the axes of the two turn tables. Thus, Applicants respectfully request that the rejections be withdrawn.

As to claim 13, Applicants have amended this claim to recite that the feed roller is upstream from said two turret tables. This amendment overcomes the rejection because the feed roller and the turret tables are clearly distinct elements.

Rejections Under 35 U.S.C. § 102

Claims 1-3, 5, 7-10 and 13 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Daly et al., U.S. Patent No. 6,015,113 (“Daly”). Claim 1 has been amended to include the subject matter of claim 12, *i.e.*, “when said revolving winding machine is in use, yarn encircles less than 180 degrees of said press rollers.” The Office Action has already stated that Daly “is silent” regarding this claim limitation. Thus, claim 1 as amended is not anticipated by Daly. Because claim 1 is now allowable over Daly, dependant claims 2-3, 5, 7-10, and 13 are likewise allowable. Applicants now turn to the possible rejection of claim 1 under 35 U.S.C. § 103 as being obvious over Daly in view of Siepmann et al., U.S. Patent 5,779,170 (“Siepmann”).

Rejections Under 35 U.S.C. § 103

Claim 1 as amended includes the subject matter previously found in claim 12, as such Applicants now address the rejection directed to claim 12 as incorporated into claim 1. Claim 12 has been rejected under 35 U.S.C. § 103 as being obvious over Daly in view of Siepmann. This rejection is improper for at least three reasons: (1) Daly teaches away from “a traverse device are positioned above a horizontal plane in which axes of said two turret tables lie”, as claimed in claim 1, (2) Daly teaches away from yarn encircling less than 180 degrees of a press roller, previously recited in claim 12, and (3) the combination set forth in the Office Action would render Daly inoperable. For at least these reasons claim 1 as presently amended is allowable over the cited prior art. Each of these reasons is discussed in turn below.

The Office Action states that the portion of Daly that discloses “a traverse device are positioned above a horizontal plane in which axes of said two turret tables lie”, as claimed in

amended claim 1, does so with respect to the “disadvantages of having a press roller and traverse device above [the] horizontal plain.” Specifically, Daly states:

If the contact roll axis were above such horizontal plane, for example, if the winder were inverted, the winder would become excessively tall because upper fanning guides 2 would have to be raised substantially. This would also result in the break angles of the filament arriving from the spinning cell feed roll being too high for good package quality, and if the winder were kept short by mounting it on the floor, fully wound package 23 would be too close to the floor for easy doffing.

Col. 5, Ln. 29-37. Thus, a person following the teachings of Daly would not position the traverse device above the turret tables because of the aforementioned disadvantages. Because Daly teaches away from the claimed invention, a rejection under 35 U.S.C. § 103 is improper.

Further, Daly teaches away from the limitation of yarn encircling less than 180 degrees of a press roller, previously recited in claim 12. Specifically, Daly states:

As shown in FIGS. 1 and 5, the wrap angle of the elastomeric fiber around the contact roll is about 180 degrees-225 degrees, increasing from the lower value to the higher value as winding progresses and the package increases in size. This high range of contact roll wrap angles permits the winder to be unusually compact while also allowing operator access to the contact roll for removal of any roll wraps.

Col. 5, Ln. 42-48. Thus, a person following the teachings of Daly would not be motivated to create a device in which the yarn encircles the press roller for less than 180 degrees. Even if Siepmann showed this limitation, the combination of Siepmann and Daly would be improper because Daly teaches away from the configuration claimed in the current invention. Therefore, the rejection under 35 U.S.C. § 103 is improper.

Moreover, the positioning of the “press roller and traverse device above [the] horizontal plain” would render Daly inoperable for its stated purpose. Specifically, as mentioned above, Daly states: “[i]f the contact roll axis were above such horizontal plane . . . [it] would also result in the break angles of the filament arriving from the spinning cell feed roll being too high for

good package quality.” Col. 5, Ln. 29-37. Because Daly recites that the configuration claimed by the Applicants would result in an apparatus that produces inferior quality products, *i.e.*, is inoperable for its given purpose, the use of Daly to show this limitation is improper.

For at least these three reasons, a rejection of amended claim 1 under 35 U.S.C. § 103 would be improper and claim 1 is therefore allowable. Because claim 1 is allowable, claims 2-11 and 13 are likewise allowable. Applicants respectfully request that the current rejections be withdrawn, and that the application be allowed to pass to issuance.

In view of the foregoing, it is submitted that the present application is now in condition for allowance. Reconsideration and allowance of all pending claims are earnestly requested. The Director is authorized to charge any fees or overpayment to Deposit Account No. 02-2135.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the Applicants’ undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

Respectfully submitted,

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